



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



November 15, 2018

Lt. Colonel Jeffrey S. Palazzini
District Engineer
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

Attn: Elizabeth Williams

Re P/N 2016-00756, Peter Lawson-Johnson, II
Berkeley County, SC
FWS Log No. 2018-CPA-0027

Dear Colonel Palazzini:

This letter transmits the enclosed biological opinion (BO) of the U.S. Fish and Wildlife Service (Service) for the proposed Cainhoy Plantation Multi-family Residential and Commercial Development (Action). The proposed Action consists of the development of a 9,375-acre tract, known as the Cainhoy Plantation and includes the construction of a mixed-use community with residences, public schools, retail shops, restaurants and office space. In detail, the proposed work consists of the placement of fill material into 187.90 acres of freshwater wetlands and 2.65 acres of impacts to estuarine wetlands. Compensation for wetland impacts will be mitigated using a combination of onsite restoration, enhancement, and preservation of wetlands on the Cainhoy Plantation.

The Service received your letter on May 23, 2018, initiating formal consultation for the Action described within the Public Notice. You determined that the Action is likely to adversely affect the red-cockaded woodpecker (*Picoides borealis*) and pondberry (*Lindera melissifolia*). After further coordination, it was determined that the Action was not likely to adversely affect the pondberry.

The Corps also determined that the Action is not likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*), West Indian manatee (*Trichechus manatus*), Bachman's warbler (*Vermivora bachmanii*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), American wood stork (*Mycteria Americana*), green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta*

caretta), frosted flatwoods salamander, (*Ambystoma cingulatum*) American chaffseed, (*Schwalbea americana*) Canby's dropwort (*Oxypolis canbyi*), and seabeach amaranth (*Amaranthus pumilus*) and requested Service concurrence. The Service concurred with these findings and we provided our basis for this concurrence by letter dated June 19, 2018.

The enclosed BO answers your request for formal consultation, and concludes that the Action is not likely to jeopardize the continued existence of the species listed above, and is not likely to destroy or adversely modify the designated critical habitats listed above. This finding fulfills the requirements applicable to the Action for completing consultation under §7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended.

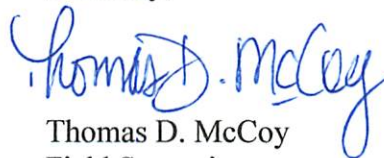
The BO includes an Incidental Take Statement that requires the Corps to implement reasonable and prudent measures that the Service considers necessary or appropriate to minimize the impacts of anticipated taking on the listed wildlife species. Incidental taking of listed wildlife species that is in compliance with the terms and conditions of this statement is exempted from the prohibitions against taking under the ESA.

Reinitiating consultation is required if the Corps retains discretionary involvement or control over the Action (or is authorized by law) when:

- a. The amount or extent of incidental take is exceeded;
- b. New information reveals that the Action may affect listed species or designated critical habitat in a manner or to an extent not considered in this BO;
- c. The Action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this BO; or
- d. A new species is listed or critical habitat designated that the Action may affect.

A complete administrative record of this consultation is on file in our office at the letter-head address. If you have any questions about the BO, please contact Ms. Paula Sisson at 843-727-4707 extension 226.

Sincerely,

A handwritten signature in blue ink that reads "Thomas D. McCoy". The signature is stylized with a large, looped "T" and a cursive "McCoy".

Thomas D. McCoy
Field Supervisor

TDM/PTS

Enclosure